

The UNITED STATES GRAND JURY, in and for the District of Massachusetts, charges that:

18 U.S.C. § 1512(b)(3) - WITNESS TAMPERING

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intimidate because of a person's race, color, or religion, assault by means of a dangerous weapon, and related offenses. These charges resulted from an incident during which defendant FLAHERTY'S client is alleged to have assaulted the victim and yelled, "You little Muslim...you f***ing terrorist." This alleged conduct could constitute a federal hate crime pursuant to 18 U.S.C. § 249.

FLAHERTY'S client also had been on supervised release in the District of Massachusetts as recently as 2013 upon his federal conviction for Interfering with a Flight Crew.

3. On or about December 15, 2014, on the same afternoon as the client's arraignment in Cambridge District Court, defendant FLAHERTY called the victim (hereinafter "victim") of defendant FLAHERTY'S client.
4. Defendant FLAHERTY apologized to the victim on behalf of his client and then offered the victim \$1,000 to \$2,000 if the victim was willing to tell the Middlesex District Attorney's Office that he was too busy to appear in court and was not interested in cooperating with authorities.
5. On or about December 17, 2014, defendant FLAHERTY called the victim and stated that he had had a "serious conversation with [his] client" and asked the victim to call him back.
6. Later the same day, defendant FLAHERTY called the victim and informed him that he had \$2,500 in cash that he was prepared to give to the victim in exchange for the victim not appearing in court to testify against FLAHERTY'S client.
7. On or about December 23, 2014, at the direction of law enforcement, the victim called defendant FLAHERTY and accepted FLAHERTY'S offer of \$2,500 in

exchange for the victim advising the Middlesex District Attorney's Office that he was too busy to appear in court and was no longer interested in the case.

8. On or about December 24, 2014, the victim met defendant FLAHERTY at a coffee shop in Medford, MA. Defendant FLAHERTY provided the victim with an envelope containing \$2,500 cash and instructed the victim, among other things, that if anyone "from the court," contacted the victim, "just f***ing ignore it because they will never bother you."
9. On or about March 12, 2015, at a hearing in Cambridge District Court to address whether a trial would be necessary in his client's case, defendant FLAHERTY informed the court that he would need a date for a jury trial. While the court selected a trial date, defendant FLAHERTY asked the assistant district attorney ("ADA") assigned to prosecute the case whether the Middlesex District Attorney's Office had been successful in contacting the victim. The ADA informed defendant FLAHERTY that he had not had contact with the victim.
10. On or about May 6, 2015, at the direction of law enforcement, the victim made a telephone call to defendant FLAHERTY and informed FLAHERTY that the Middlesex District Attorney's Office had sent him a letter regarding an upcoming hearing (the trial had been scheduled for May 28, 2015). Defendant FLAHERTY informed the victim to tell the Middlesex District Attorney's Office that, "I have no interest in this. I'd have to come to court, I really don't want anything to do with it. Um, you know the guy had a bad day and I'm just not going to testify" Defendant FLAHERTY also told the victim, "...they won't press you, they won't subpoena you, if they try to, just duck it...."

11. In that May 6, 2015 call, after defendant FLAHERTY instructed the victim to “duck” the subpoena, the victim informed defendant FLAHERTY that he had received a voice message from an employee of the United States Attorney’s Office (“USAO”) who wanted him to call her back “about what happened.” FLAHERTY told the victim to “Blow her off.” The victim stated to FLAHERTY that this USAO employee said she was from “civil rights” and FLAHERTY continued to advise the victim not to call her back.
12. On or about May 21, 2015, the victim made a telephone call to FLAHERTY and informed him that someone from the FBI had left the victim a message concerning FLAHERTY’S client’s case. At the conclusion of this call, the victim asked FLAHERTY, “So, so, should I call him back or no?” FLAHERTY replied, “No, don’t call him back.”
13. From on or about December 15, 2014, to on or about May 21, 2015, in Middlesex County, in the District of Massachusetts and elsewhere, the defendant


TIMOTHY R. FLAHERTY

did knowingly corruptly persuade the victim, and attempt to do so, with intent to hinder, delay and prevent the communication to a law enforcement officer of the United States of information related to the commission and possible commission of a federal offense, that is, 18 U.S.C. § 249.

In violation of Title 18, United States Code, Section 1512(b)(3).

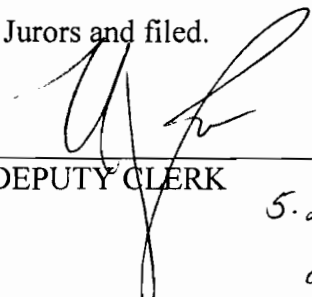
A TRUE BILL


FOREPERSON OF THE GRAND JURY


ROBERT A. FISHER
S. THEODORE MERRITT
ASSISTANT U.S. ATTORNEYS

DISTRICT OF MASSACHUSETTS; May 26, 2015.

Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK

5.26.15

at 1:26 PM